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10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**

12 **Scott Johnson,**

13 Plaintiff,

14 *v.*

15 **Danny B. Luong**, in individual and re-
16 presentative capacity as trustee of The
17 Luong/Wong Family Revocable Trust
18 Of August 21, 1999; **Diana Wong**, in
19 individual and representative capacity as
20 trustee of The Luong/Wong Family
21 Revocable Trust Of August 21, 1999;
22 and Does 1-10,

23 *Defendants.*

24 Case No. 4:20-cv-00121-YGR
REQUEST FOR JUDICIAL
NOTICE IN SUPPORT OF
DEFENDANTS' MOTION TO (A)
DISMISS FEDERAL CLAIM
PURSUANT TO FRCP 12(b)(1);
AND (B) TO DISMISS STATE
CLAIMS PURSUANT TO FRCP
12(b)(1), 12(h)(3), and 28 USC
§1337(c)

25 Honorable Yvonne Gonzalez Rogers
26 Oakland Courthouse
27 Courtroom 1 – 4th Floor
28 1301 Clay Street
29 Oakland, CA 94612

30 Date: Tuesday, March 31, 2020
31 Time: 2:00 p.m.

32 **TO PLAINTIFF AND HIS ATTORNEYS OF RECORD:**

33 Please take notice, pursuant to Federal Rule of Evidence 201, Defendants
34 Danny B. Luong and Diana Wong (“**Defendants**”) hereby respectfully request, in
35 consideration and support of their Motion to Dismiss, that this Court take judicial
36 notice of the following documents:
37

Exhibit 9 – Excerpts, Department of Justice 2010 ADA Standards for Accessible Design (September 15, 2010) (“2010 ADAS”)

Fact 1 – Evidencing the standards for slopes and cross slopes in parking spaces and access aisles.

Exh. 4 at page 4 (2010 ADAS Section 502.4)

Fact 2 – Evidencing the dimensions for parking spaces and access aisles.

Exh. 4 at pages 2-3 (2010 ADAS Section 502.2-502.3)

ADDITIONAL DOCUMENTS FOR WHICH JUDICIAL NOTICE IS REQUESTED

Docket of Actions in this Case

Plaintiff's Complaint

A court may also properly take notice of “matters of public record” pursuant to Federal Rule of Evidence section 201, to the extent they are not subject to reasonable dispute. *Lee v. City of Los Angeles*, 250 F.3d 668, 689 (9th Cir. 2001).

The documents and the foregoing identified fact constitute matters not reasonably subject to dispute. Exhibit 4 consists of regulations and codes of governmental bodies.

Plaintiff's pleadings are documents the existence of which (but not the contents) this Court can take judicial notice.

Dated: February 10, 2020

LAW OFFICES OF STEPHEN ABRAHAM

By: /s/ Stephen E. Abraham
Stephen E. Abraham
Attorneys for Defendants

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is: 1592 Pegasus Street, Newport Beach, California 92660.

On February 10, 2020, I served the foregoing document described as:
REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF DEFENDANT'S MOTION TO (A) DISMISS FEDERAL CLAIM PURSUANT TO FRCP 12(b)(1); AND (B) TO DISMISS STATE CLAIMS PURSUANT TO FRCP 12(b)(1), 12(h)(3), and 28 USC §1367(c) thereon on all interested parties in this action as follows:

CENTER FOR DISABILITY ACCESS Representing Plaintiff
Amanda Seabock, Esq., SBN 289900
Chris Carson, Esq., SBN 280048
Dennis Price, Esq., SBN 279082
Mail: 8033 Linda Vista Road, Suite 200
San Diego, CA 92111
(858) 375-7385; (888) 422-5191 fax
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e-Filing pursuant to Court order

Executed on February 10, 2020, at Newport Beach, California.

I declare under penalty of perjury under the laws of the State of California
that the above is true and correct.

/s/ Stephen E. Abraham

Stephen E. Abraham